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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.3689 of 2007
IN
FIRST APPEAL NO.626 of 2004

Nayeeman Khatoon Abdul Gaffar Ansari ...Applicant
v/s.

1(a) Smt. Sangeeta Sanya Pattekar & ors. ...Respondents

Mr. S.G.Vakil for the Applicants
Mrs. A.R.Khanna for the Respondents

CORAM : ANOOP V. MOHTA,J.
DATED : 17th October, 2007

P.C.

. The appellant to supply private paper book within four weeks. Appeal is expedited and be listed for hearing subject to removal of office objections if any after 10 weeks. High on Board.

2. The interim order was granted initially on 8-6-2004. On 29-6-2004 the appellant was directed to file private paper book within two months which was not complied with. On 1-9-2004 the papers were produced and time to file paper book was extended by eight weeks that resulted in continuation of interim order also. The learned counsel appearing for the respondent has submitted that matter infact stood dismissed on the day when the extension was sought. Anyhow without going into that controversy at this stage of the proceedings as the Court has granted and extended the time but the fact just cannot be overlooked also, however, as I am

fixing this matter for final hearing, I am not inclined to pass any order to that effect.

3. In the result,therefore, at present there is a stay of execution. The stay of execution to continue till final hearing of the present appeal. Therefore, stay application is disposed of accordingly.

4. There is an application filed by the respondents/original plaintiff to vacate the order passed by this Court on 10-9-2004 of granting the extension. The alternative prayers are to fix the matter for early hearing which I have already recorded and granted above. The another prayer is for an injunction. After hearing both the parties, I am granting following order, by consent of both the parties.

O R D E R

(i) to keep the television or music on upto 11.00 p.m. only and in any event it should not disturb the others.

(ii) the appellant is entitled to keep a small hanging fan on the wall only and not to use any table fan in the suit premises. The Respondents will provide extension of one switchboard for light and fan from the switchboard inside the room within two weeks. The appellant shall use the same for domestic purpose only.

(iii) the appellant shall share 50% charges of the electricity connection from the date of electric extension.

(iv) Both the parties to cooperate each other.

(v) Civil application no. 3689/2007 is accordingly disposed of in view of above order basically prayer clause (d)&(e) subject to above modification. No order on other prayers.

[ANOOP V. MOHTA,J.]